

## **Town Board Minutes**

November 19, 2018

Meeting No. 33

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 19<sup>th</sup> day of November 2018 at 7:00 P.M. and there were

**PRESENT:** ADAM DICKMAN, COUNCIL MEMBER  
DAWN GACZEWSKI, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
MATTHEW WALTER, COUNCIL MEMBER  
JOHANNA COLEMAN, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** DIANE TERRANOVA, TOWN CLERK  
KEVIN LOFTUS, TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER  
GERALD GILL, CHIEF OF POLICE  
MICHELLE BARBARO, PARK CREW CHIEF  
DANIEL AMATURA, HIGHWAY SUPERINTENDENT  
WILLIAM SCHUTT, ENGINEER, WM. SCHUTT & ASSOC.  
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU

## **PERSONS ADDRESSING TOWN BOARD:**

**Galasso, Christopher**, Representing Lancaster Airport, Inc. spoke to the Town Board on the following matter:

- Answered questions regarding Lancaster Airport, Inc. resolutions.

**Karn, Jean**, Dog Control Officer, spoke to the Town Board on the following matters:

- Comments regarding the amendment to the Dog Control Code.
- Commented on dog control grants.

**Lemaster, Debbie**, spoke to the Town Board on the following matter:

- Questions regarding the proposed changes to the Dog Control Code.

**Lemaster, Kevin**, spoke to the Town Board on the following matter:

- Asked about Clarence Dog shelter and their possible responsibility over sheltered Lancaster dogs.

**Marracino, Amy**, spoke to the Town Board on the following matters:

- Questions regarding dog control.
- Comments about sheltering dogs outside the town.

**Nosbisch, Paul, Jr.**, spoke to the Town Board on the following matter:

- Questions regarding Lancaster Airport, Inc. resolutions.

**Rickli, Kyle**, spoke to the Town Board on the following matter:

- Questions regarding the street lights on Worthington Lane in the Windsor Ridge South subdivision.

**Rybak, Lynn**, Representing Legislator John Bruso, spoke to the Town Board on the following matter:

- Thanked the Town Board for the information regarding Pleasant View Drive traffic.

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** No. 1 Local Law Zoning Revision

ON MOTION BY COUNCIL MEMBER GACZEWSKI, SECONDED BY COUNCIL MEMBER DICKMAN AND CARRIED, the public hearing was opened.

At 7:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Local Law Zoning Revision matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
None	

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was closed at 7:19 P.M.

Decision on this matter was reserved.

November 19, 2018

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** No. 2 Local Law Zoning Communications Towers Revision

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER WALTER AND CARRIED, the public hearing was opened.

At 7:19 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Local Law Zoning Communications Towers Revision matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
None	

ON MOTION BY COUNCIL MEMBER WALTER, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was closed at 7:21 P.M.

Decision on this matter was reserved.

November 19, 2018

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** No. 3 Increase & Improvement  
Garbage & Refuse District

ON MOTION BY COUNCIL MEMBER DICKMAN, SECONDED BY  
COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was opened.

At 7:21 P.M., the Town Board held a Public Hearing to hear all interested  
persons upon an Increase and Improvement of Facilities of the Garbage and Refuse District  
matter.

The affidavits of publication and posting of this Public Hearing are on file  
and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
Mike Wehner	Comments/Questions
Paul Nosbisch, Jr.	Comments/Questions

ON MOTION BY COUNCIL MEMBER GACZEWSKI, SECONDED BY COUNCIL  
MEMBER WALTER AND CARRIED, the public hearing was closed at 7:38 P.M.

Decision on this matter was reserved.

November 19, 2018

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** No. 4 Increase & Improvement of  
Facilities Lighting District

ON MOTION BY COUNCIL MEMBER WALTER, SECONDED BY  
COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was opened.

At 7:39 P.M., the Town Board held a Public Hearing to hear all interested  
persons upon an Increase and Improvement of Facilities of the Lighting District matter.

The affidavits of publication and posting of this Public Hearing are on file  
and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
Laura Rudz	Questions

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL  
MEMBER DICKMAN AND CARRIED, the public hearing was closed at 7:42 P.M.

Decision on this matter was reserved.

November 19, 2018

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** No. 5 Increase & Improvements  
Consolidated Water District

ON MOTION BY COUNCIL MEMBER GACZEWSKI, SECONDED BY COUNCIL MEMBER DICKMAN AND CARRIED, the public hearing was opened.

At 7:42 P.M., the Town Board held a Public Hearing to hear all interested persons upon an Increase and Improvements of the Consolidated Water Districts matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
Gretchen Galliford	Questions

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was closed at 7:47 P.M.

Decision on this matter was reserved.

November 19, 2018

**PRESENTATION OF PREFILED RESOLUTIONS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board  
held November 5, 2018 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk  
by the Assistant to the Supervisor, to wit:

Claim No. 54643 to Claim No. 54818 Inclusive

Total amount hereby authorized to be paid: \$1,210,898.28

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018  
File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

- (SW) = Sidewalks as required by Chapter 12-1B of the Code of the Town of Lancaster are waived for this permit.  
(CSW) = Conditional sidewalk waiver  
(V/L) = Village of Lancaster

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
29094		Adam Szwartz	22 Markey Ave	Er. Fence	
29095		KCM Custom Built Garages Inc.	1173 Penora St	Er. Garage	
29096		KCM Custom Built Garages Inc.	1175 Penora St	Er. Garage	
29097		ECC Electrical Construction	15 Trentwood Trl	Inst. Generator	
29098		John & Janet Aquino	24 Saybrook Dr	Er. Deck	
29099		Zenner & Ritter Co. Inc.	16 Kent Pl	Inst. Generator	
29100		Zenner & Ritter Co. Inc.	3 Hillside Pky	Inst. Generator	
29101		Patrick Keane	49 Quail Run Ln	Er. Fence	
29102		Stork Realty Corp.	4845 Transit Rd	Er. Sign - Temp	
29103		Solcius, LLC	26 Jonquille Ct	Inst. Solar Panels	
29104		Solar Liberty Energy Systems	11 Bridlepath Ln	Inst. Solar Panels	
29105		Besroi Construction	34 Brandel Ave	Re-Roof	(V/L)
29106		Gerald Sowinski	55 Court St	Re-Roof	(V/L)
29107		John Sikora	29 Chicory Ln	Re-Roof	
29108		Robert J. Bryce	21 Donna Lea Dr	Dem. Rear Struc.	
29109		Premier Fence Inc.	6200 Broadway	Er. Fence	
29110		Derapen, LLC	3569 Walden Ave	Er. Comm. Alt	(V/L)
29111		TNT Custom Decks&Remodeling	30 Christen Ct	Er. Deck	(V/L)
29112		Capital Heat, Inc.	24 Quincy Ave	Inst. Generator	(V/L)
29113		Robert Maciejewski	516 Hall Rd	Re-Roof	
29114		Gen-Tech Power Systems LLC	18 Jonquille Ct	Inst. Generator	
29115		Ryan McDaniel	23 Livingston St	Er. Fence	(V/L)
29116		Braymiller Builders of WNY Inc	28 Southpoint Dr	Er. Res. Alt.	
29117		Jim Juda	70 Fairfield Ave	Er. Pole Barn	(V/L)
29118		Daniel & Carol Glowicki	764 Ransom Rd	Er. Fence	
29119		ZHS Enterprises	5764 Broadway	Er. Res. Alt.	
29120		Black Rock Roofing	12 Sterling Pl	Re-Roof	
29121		Shirley Davidson	36 Pleasant View Dr	Inst. Generator	
29122		Trancend Wireless LLC	0 Barton Rd	Cell Tower - Alteration	
29123		Jacob Reid	36 Harvey Dr	Er. Res. Add.	(V/L)
29124		Jill Grey	3 Sagebrush Ln	Er. Porch Cover	
29125		Superior Decks & Gazebos Inc.	83 Heritage Dr	Er. Deck	
29126		Transit Leasing Inc.	2700 Commerce Pkwy	Er. Pole Barn	(V/L)
29127		Ulrich Sing Co. Inc.	5007 Transit Rd	Er. Sign - Pole	
29128		Solcius, LLC	283 Enchanted Forest N	Inst. Solar Panels	
29129		Z Man Home Improvement	53 Holland Ave	Re-Roof	(V/L)

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER WALTER, WHO  
MOVED ITS ADOPTION, SECONDED BY  
SUPERVISOR COLEMAN, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster Town Code provide for the adoption and enactment of local laws, and

**WHEREAS**, a proposed Local Law of the Year 2018 entitled “**DOGS REVISION**”, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Council Member Walter on the 15<sup>th</sup> day of October, 2018, and

**WHEREAS**, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under SEQRA, and

**WHEREAS**, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on November 5, 2018, where all interested parties were allowed to address the proposed Local Law;

**WHEREAS**, the Town Board of the Town of Lancaster after due review and deliberation finds it in the best interest of the Town to adopt said Local Law.

**NOW, THEREFORE,**  
**BE IT RESOLVED** by the Town Board of the Town of Lancaster that:

- 1. The attached Local Law No. 6 of 2018 is hereby adopted.
- 2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

**LEGAL NOTICE  
NOTICE OF ADOPTION  
LOCAL LAW NO. 6 OF THE YEAR 2018  
TOWN OF LANCASTER**

**PLEASE TAKE NOTICE** that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on November 19, 2018 Local Law No. 6 of the Year 2018, which amends the Town of Lancaster Dog Code, by amending the holding periods and redemption requirements for dogs seized by the Town's Dog Control Officers within the Town of Lancaster; and which is on file for review in the Town Hall and on the Town of Lancaster's website, <http://www.lancasterny.gov>.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: DIANE M. TERRANOVA  
Town Clerk**

November 22, 2018

**Town of Lancaster  
Local Law No. 6 of 2018**

**A Local Law Amending the Town of Lancaster Town Code; Chapter 13 Dogs, Section 5(A) Impound fees and redemption, and adding Subsection (C); and amend Section 13(A) Adoption; disposition of dogs; which will amend holding periods and redemption requirements for seized dogs.**

**Be it hereby enacted by the Town Board of the Town of Lancaster as follows:**

**Section 1:** Section 13-5(A) of the Town of Lancaster Town Code is amended as follows and subsection (C) is to be added which will read as follows:

A. Any dog found to be at large, whether licensed or not, **seized by any Dog Control Officer or Peace Officer, shall be held for a period of three (3) days not including the date of seizure, during which time the dog may be redeemed by its owner, provided that the individual claiming the dog is identified as the owner and produces proof that the dog is licensed.**

C. **If the dog is unlicensed; the dog will be impounded until such time as the owner has paid the license fee and any impoundment fees.**

**Section 2:** Section 13-13(A) of the Town of Lancaster Town Code is amended to read in its entirety as follows:

A. Any dog identified, unlicensed or licensed, in custody of the Dog Control Officer, may be delivered for adoption by the Dog Control Officer or disposed of by euthanasia after a **holding period of not less than three (3) days, except that where notice to the owner is given by mail, then the holding period shall not be less than seven (7) days.**

**Section 3:** Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 4:** Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**WHEREAS**, Michael Passucci, 4083 Walden Avenue, Lancaster, New York 14086 has applied for a Dumping Permit for property situated on 4083 Walden Avenue, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

**WHEREAS**, the Building Inspector and Town Engineer have completed their review of this application and by letter November 9, 2018 the Building Inspector made a formal, favorable recommendation to the Town Board.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Michael Passucci 4083 Walden Avenue, Lancaster, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant situated on 4083 Walden Avenue, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

**BE IT FURTHER,**

**RESOLVED**, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of dirt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
3. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road.
4. Fill area shall be graded and seeded upon completion of filling.
5. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday thru Saturday. No dumping shall be allowed on Sunday.
6. Dust from the site shall also be prevented from migrating off site.
7. Fill shall only be placed in the areas which are indicated on the plot plan.
8. No signage for dumping allowed.
9. The source of fill is Erie County Water Authority Union Road Cheektowaga, New York.

10. NYSDEC regulation may require documentation regarding the redevelopment of this property and the stockpiling of materials for future use. Copies should be provided to the Town Clerk and Code Enforcement.

**BE IT FURTHER,**

**RESOLVED**, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

**BE IT FURTHER,**

**RESOLVED**, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster, by letter dated November 2, 2018, has requested the creation of one (1) additional position of Maintenance Worker, in the Highway Department.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Position Duties Statement) for authorization by the County of Erie Department of Personnel to create one (1) additional position of Maintenance Worker in the Highway Department.

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster, by letter dated November 2, 2018, has appointed Daniel Palumbo and Douglas Thielman of Lancaster, New York, who previously held the title of Laborer-Highways, to the positions of Maintenance Worker.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby recognizes the appointments of Daniel Palumbo and Douglas Thielman of Lancaster, New York to the positions of Maintenance Worker in the Town of Lancaster Highway Department, effective November 5, 2018, and that such appointments shall be subject to all applicable provisions of the collective negotiations agreement between the Town of Lancaster and the CSEA Blue Collar Union and all applicable provisions of law, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER DICKMAN, TO WIT:

**WHEREAS**, the developer has requested the Town Board of the Town of Lancaster accept work completed under Street Lighting Public Improvement within the Windsor Ridge South Subdivision, Worthington Lane, within the Town of Lancaster, and

**WHEREAS**, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

**WHEREAS**, the Town Attorney, by letter to the Town Clerk dated November 13, 2018, has reported his favorable review for the acceptance of this public improvement.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the following completed Street Lighting Public Improvement within the Windsor Ridge South Subdivision, Worthington Lane, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 791 - Street Lights

and,

**BE IT FURTHER,**

**RESOLVED**, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

File: RPIP (P4)



A meeting of the Town Board of the Town of Lancaster, in the County of Erie, New York, was held at the Town Hall, in said Town, on November 19, 2018.

PRESENT:

Hon. Johanna M. Coleman, Supervisor  
Adam Dickman, Councilmember  
Dawn Gaczewski, Councilmember  
Ronald Ruffino, Sr., Councilmember  
Matthew Walter, Councilmember

In the Matter  
of the

Increase and Improvement of Facilities of the Garbage and  
Refuse District, in the Town of Lancaster, in the County of Erie,  
New York, pursuant to Section 202-b of the Town Law.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**RESOLUTION AND ORDER  
AFTER PUBLIC HEARING APPROVING  
THE INCREASE AND IMPROVEMENT OF  
FACILITIES OF THE GARBAGE AND REFUSE DISTRICT**

**WHEREAS**, the Town Board of the Town of Lancaster (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Lancaster Garbage and Refuse District (the “District”); and

**WHEREAS**, the Town Board has a report outlining the cost associated with an acquisition project for the District; and

**WHEREAS**, such project will generally consist of (but not be limited to), the acquisition of wheeled garbage and recycling carts/totes for the District, as well as other such equipment as more fully identified in (or contemplated by) such report referred to above, all of the forgoing to include all equipment, apparatus and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

**WHEREAS**, such report for such increase and improvement of facilities of the District has been filed at the Town and the Town Board has estimated the total cost thereof to be at an estimated maximum amount of \$1,600,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,600,000, offset by any available funds and by any federal, state, county and/or local funds received.

**WHEREAS**, the Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required; and

**WHEREAS**, the Town Board issued an Order at its November 5, 2018 meeting calling for a public hearing to be held at the Town Hall, Lancaster, New York, on November 19, 2018 at 7:15 o’clock p.m. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in

the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

**WHEREAS**, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

**NOW, THEREFORE,**  
**BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF LANCASTER**, based on the information provided at the public hearing, as follows:

**DETERMINED**, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$1,600,000; and it is hereby

**DETERMINED**, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District; and it is hereby

**DETERMINED**, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District; and it is hereby

**ORDERED**, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

**FURTHER ORDERED**, that the expense of the Project shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,600,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

**FURTHER ORDERED**, that within ten days after adoption of this Resolution and Order, the Town Clerk will record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

DATED: November 19, 2010

TOWN BOARD OF THE  
TOWN OF LANCASTER

The adoption of the foregoing Resolution Approving the Increase and Improvement of Facilities of the Garbage and Refuse District was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

The Resolution approving the increase and improvement of facilities of the Garbage and Refuse District was declared adopted.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**A BOND RESOLUTION, DATED NOVEMBER 19, 2018, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING AN ACQUISITIONS PROJECT WITHIN THE TOWN OF LANCASTER GARBAGE AND REFUSE DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$1,600,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,600,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

**WHEREAS**, the Town Board of the Town of Lancaster, Erie County, New York (the “Town”), has established the Town of Lancaster Garbage and Refuse District (the “District”); and

**WHEREAS**, the Town Board has determined by resolution to undertake a certain acquisition project within the District, such work to generally consist of (but not be limited to), the acquisition of wheeled garbage and recycling carts/totes for the District, as well as other such equipment as more fully identified in (or contemplated by) such report prepared in connection with such project, all of the forgoing to include all equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

**WHEREAS**, the Town Board has determined to proceed with the Project; and

**WHEREAS**, the Town Board desires to issue obligations of the Town to finance the costs of the Project.

**NOW THEREFORE,**

**BE IT RESOLVED**, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

**SECTION 1.** The Town is hereby authorized to undertake an acquisition project within the District, such work to generally consist of (but not be limited to), the acquisition of wheeled garbage and recycling carts/totes for the District, as well as other such equipment as more fully identified in (or contemplated by) such report prepared in connection with such project, all of the forgoing to include all equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$1,600,000.

**SECTION 2.** The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$1,600,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvement is to be paid by the issuance of serial bonds and by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

**SECTION 3.** It is hereby determined that said purpose is an object or purpose described in subdivision 6 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is ten years.

**SECTION 4.** Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

**SECTION 5.** It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

**SECTION 6.** The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the cost of the project shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

**SECTION 7.** Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

**SECTION 8.** The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

**SECTION 9.** The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

**SECTION 10.** The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

**SECTION 11.** The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

**SECTION 12.** In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

**SECTION 13.** The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

**SECTION 14.** The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

**SECTION 15.** This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

The foregoing resolution was thereupon duly declared adopted.

## **NOTICE OF BOND RESOLUTION**

### **TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN that a bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Lancaster, County of Erie, on November 19, 2018 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

(1) (a) such obligations were authorized for an object or purpose for which the Town of Lancaster is not authorized to expend money or

(b) the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of publication of this notice; or

(2) such obligations were authorized in violation of the provisions of the Constitution of New York.

### **SUMMARY OF BOND RESOLUTION**

The following is a summary of a bond resolution adopted by the Town Board of the Town of Lancaster (the "Town") on November 19, 2018. The proceeds from the sale of the obligations authorized in said resolution will be used to finance an acquisition project within the District, such work to generally consist of (but not be limited to), the acquisition of wheeled garbage and recycling carts/totes for the District, as well as other such equipment as more fully identified in (or contemplated by) such report prepared in connection with such project, all of the forgoing to include all equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof, at an estimated maximum amount of \$1,600,000. Said resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bonds, in an aggregate principal amount not to exceed \$1,600,000 said amount to be offset by any federal, state, county and/or local funds received. The period of probable usefulness for said purpose is ten years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 21 Central Avenue, Lancaster, New York.

A meeting of the Town Board of the Town of Lancaster, in the County of Erie, New York, was held at the Town Hall, in said Town, on November 19, 2018.

PRESENT:

Hon. Johanna M. Coleman, Supervisor  
Adam Dickman, Councilmember  
Dawn Gaczewski, Councilmember  
Ronald Ruffino, Sr., Councilmember  
Matthew Walter, Councilmember

In the Matter  
of the

Increase and Improvement of Facilities of the Town of Lancaster  
Lighting District, in the Town of Lancaster, in the County of Erie,  
New York, pursuant to Section 202-b of the Town Law.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, TO WIT:

**RESOLUTION AND ORDER  
AFTER PUBLIC HEARING APPROVING  
THE INCREASE AND IMPROVEMENT OF  
FACILITIES OF THE TOWN OF LANCASTER  
LIGHTING DISTRICT**

**WHEREAS**, the Town Board of the Town of Lancaster (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Lancaster Lighting District (the “District”); and

**WHEREAS**, the Town Board has directed Wendel, competent engineers licensed in New York, to prepare a map, plan and report for a lighting district capital improvements project within the District; and

**WHEREAS**, such lighting district capital improvements project will generally consist of (but not be limited to), the purchase of existing lighting facilities from New York State Electric and Gas Corporation (NYSEG) and the retrofitting of street lights in the Town to include LED technology including, but not limited to lighting controls and associated equipment, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the foregoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

**WHEREAS**, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$3,000,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$3,000,000, offset by any federal, state, county and/or local funds received.

**WHEREAS**, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued, if necessary, a

negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary; and

**WHEREAS**, the Town Board issued an Order at its November 5, 2018 meeting calling for a public hearing to be held at the Town Hall, Lancaster, New York, on November 19, 2018 at 7:15 o'clock p.m. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

**WHEREAS**, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

**NOW, THEREFORE,**

**BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF LANCASTER**, based on the information provided at the public hearing, as follows:

**DETERMINED**, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$3,000,000; and it is hereby

**DETERMINED**, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District; and it is hereby

**DETERMINED**, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District; and it is hereby

**ORDERED**, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

**FURTHER ORDERED**, that the expense of the Project shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$3,000,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as otherwise provided by law; and it is hereby

**FURTHER ORDERED**, that within ten days after adoption of this Resolution and Order, the Town Clerk will record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

DATED: November 19, 2018

TOWN BOARD OF THE  
TOWN OF LANCASTER



The adoption of the foregoing Resolution Approving the Increase and Improvement of Facilities of the Town of Lancaster Lighting District was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

The Resolution approving the increase and improvement of facilities of the Town of Lancaster Lighting District was declared adopted.

November 19, 2018

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**A BOND RESOLUTION, DATED NOVEMBER 19, 2018, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF LANCASTER LIGHTING DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$3,000,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,000,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

**WHEREAS**, the Town Board of the Town of Lancaster, Erie County, New York (the “Town”), has established the Town of Lancaster Lighting District (the “District”); and

**WHEREAS**, the Town Board has determined by resolution to undertake a lighting district capital improvements project that will generally consist of (but not be limited to), the purchase of existing lighting facilities from New York State Electric and Gas Corporation (NYSEG) and the retrofitting of street lights in the Town to include LED technology including, but not limited to lighting controls and associated equipment, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Project”); and

**WHEREAS**, the Town Board has determined to proceed with the Project; and

**WHEREAS**, the Town Board desires to issue obligations of the Town to finance the costs of the Project.

**NOW THEREFORE,**

**BE IT RESOLVED**, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

**SECTION 1.** The Town is hereby authorized to undertake a lighting district capital improvements project that will generally consist of (but not be limited to), the purchase of existing lighting facilities from New York State Electric and Gas Corporation (NYSEG) and the retrofitting of street lights in the Town to include LED technology including, but not limited to lighting controls and associated equipment, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$3,000,000.

**SECTION 2.** The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$3,000,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvement is to be paid by the issuance of serial bonds and by the assessment, levy and collection from the

several lots and parcels of land within the District for such purpose in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as otherwise provided by law.

**SECTION 3.** It is hereby determined that said purpose is an object or purpose described in subdivision 5 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 30 years.

**SECTION 4.** Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

**SECTION 5.** It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

**SECTION 6.** The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the cost of the project shall be paid by the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as otherwise provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

**SECTION 7.** Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

**SECTION 8.** The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

**SECTION 9.** The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

**SECTION 10.** The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

**SECTION 11.** The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued, if necessary, a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

**SECTION 12.** In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

**SECTION 13.** The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

**SECTION 14.** The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

**SECTION 15.** This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

The foregoing resolution was thereupon declared duly adopted.

November 19, 2018

## **NOTICE OF BOND RESOLUTION**

### **TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN that a bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Lancaster, County of Erie, on November 19, 2018 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

(1) (a) such obligations were authorized for an object or purpose for which the Town of Lancaster is not authorized to expend money or

(b) the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of publication of this notice; or

(2) such obligations were authorized in violation of the provisions of the Constitution of New York.

### **SUMMARY OF BOND RESOLUTION**

The following is a summary of a bond resolution adopted by the Town Board of the Town of Lancaster (the "Town") on November 19, 2018. The proceeds from the sale of the obligations authorized in said bond resolution will be used to finance a lighting district capital improvements project that will generally consist of (but not be limited to), the purchase of existing lighting facilities from New York State Electric and Gas Corporation (NYSEG) and the retrofitting of street lights in the Town to include LED technology including, but not limited to lighting controls and associated equipment, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof, at an estimated maximum amount of \$3,000,000. Said bond resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bonds, in an aggregate principal amount not to exceed \$3,000,000 said amount to be offset by any federal, state, county and/or local funds received. The period of probable usefulness for said purpose is 30 years. A copy of the bond resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 21 Central Avenue, Lancaster, New York.

A meeting of the Town Board of the Town of Lancaster, in the County of Erie, New York, was held at the Town Hall, in said Town, on November 19, 2018.

PRESENT:

Hon. Johanna M. Coleman, Supervisor  
Adam Dickman, Councilmember  
Dawn Gaczewski, Councilmember  
Ronald Ruffino, Sr., Councilmember  
Matthew Walter, Councilmember

In the Matter  
of the

Increase and Improvement of Facilities of the Town of Lancaster  
Consolidated Water District, in the Town of Lancaster, County of  
Erie, New York, pursuant to Section 202-b of the Town Law.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLUTION AND ORDER  
AFTER PUBLIC HEARING APPROVING  
THE INCREASE AND IMPROVEMENT OF  
FACILITIES OF THE TOWN OF LANCASTER  
CONSOLIDATED WATER DISTRICT**

**WHEREAS**, the Town Board of the Town of Lancaster (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Lancaster Consolidated Water District (the “District”); and

**WHEREAS**, the Town Board directed Wm. Schutt & Associates, P.C., competent engineers licensed in New York, to prepare a map, plan and report (dated April 2016) for a water system capital improvements project within the District; and

**WHEREAS**, in May of 2016, the Town approved the original capital improvements project, through Town Law Section 202-b proceedings and other resolutions and adopted a bond resolution on May 16, 2016; and

**WHEREAS**, the Town has determined that the scope of such original capital project should be increased to include additional improvements in the District; and

**WHEREAS**, the Town has directed Wm. Schutt & Associates, P.C., competent engineers licensed in New York, to prepare a revised map, plan and report (dated October 2018) to include additional improvements in the District; and

**WHEREAS**, such revised map, plan and report amends a certain prior map, plan and report (dated April 2016) for the purposes of (a) modifying the scope of the project to include additional improvements, (b) increasing the estimated maximum cost of such project, and (c) increasing the amount of bonds (and notes) for such project; and

**WHEREAS**, such revised and expanded project will generally consist of the installation of approximately 29,975 linear feet of water main along various roads in the Town including, but not limited to, Westwood Road, Schlemmer Road, Stutzman Road, Pavement Road, Pleasantview Drive, Townline Road and Genesee Street, along with the installation of new fire hydrants and the transfer of existing services to the new waterline, as well as other such improvements as more fully identified in (or contemplated by) such revised map, plan and report referred to above, all of the foregoing to include all necessary site work, equipment,

apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, and as so expanded, the “Project”); and

**WHEREAS**, the October 2018 revised map, plan and report: (a) expands the scope of the project, (b) increases the estimated maximum cost of the project from \$4,500,000 to \$7,000,000 and (c) increases the aggregate principal amount of bonds from \$4,500,000 to \$7,000,000; and

**WHEREAS**, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such revised map, plan and report (as so amended) for such increase and improvement of facilities of the District and has estimated the total cost thereof to be in an estimated maximum amount of \$7,000,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$7,000,000, such amount to be offset by any federal, state, county and/or local funds received; and

**WHEREAS**, such revised map, plan and report (hereinafter referred to as map, plan and report) has not been modified in any material respect other than as described above;

**WHEREAS**, the Town has determined that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

**WHEREAS**, the Town Board issued an Order at its November 5, 2018 meeting calling for a public hearing to be held at the Town Hall, Lancaster, New York, on November 19, 2018 at 7:15 o’clock P.M. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

**WHEREAS**, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

**NOW, THEREFORE,**  
**BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF**  
**THE TOWN OF LANCASTER**, based on the information provided at the public hearing, as follows:

**DETERMINED**, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$7,000,000; and it is hereby

**DETERMINED**, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District; and it is hereby

**DETERMINED**, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District; and it is hereby

**ORDERED**, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

**FURTHER ORDERED**, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$7,000,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of

said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

**FURTHER ORDERED**, that within ten days after adoption of this Resolution and Order, the Town Clerk shall record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

DATED: November 19, 2018

TOWN BOARD OF THE  
TOWN OF LANCASTER

The adoption of the foregoing Resolution Approving the Increase and Improvement of Facilities of the Town of Lancaster Consolidated Water District was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**AN AMENDING AND RESTATING BOND RESOLUTION, DATED NOVEMBER 19, 2018, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE “TOWN”), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON MAY 16, 2016, AND AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF LANCASTER CONSOLIDATED WATER DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$7,000,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,000,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

**WHEREAS**, on May 16, 2016, the Town Board of the Town of Lancaster, Erie County, New York (the “Town”) adopted a certain bond resolution (the “Original Bond Resolution”) entitled:

A BOND RESOLUTION, DATED MAY 16, 2016, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT (2016) WITHIN THE TOWN OF LANCASTER CONSOLIDATED WATER DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$4,500,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,500,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

and

**WHEREAS**, the Town has previously issued bond anticipation notes pursuant to the Original Bond Resolution, but has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

**WHEREAS**, the Town has determined that the scope of such original capital project be increased to include additional improvements in the Consolidated Water District (the “District”); and

**WHEREAS**, the Town Board wishes to modify the Original Bond Resolution for the purposes of (a) modifying the scope of the project to include additional improvements, (b) increasing the estimated maximum cost of the project from \$4,500,000 to \$7,000,000 and (c) increasing the aggregate principal amount of serial bonds authorized to be issued from \$4,500,000 to \$7,000,000 and to make other modifications in the Original Bond Resolution as may be consistent with law; and

**WHEREAS**, the Original Bond Resolution is being modified to include additional improvements in the District as previously described, and is otherwise being reaffirmed and ratified in all other material respects; and

**WHEREAS**, the Town Board of the Town has determined to proceed with the capital improvements project; and

**NOW, THEREFORE,**

**BE IT RESOLVED**, by the Town Board of the Town of Lancaster, in the County of Erie, New York (the “Town”) (by the favorable vote of not less than two-thirds of all the members of the Town Board) as follows:

**SECTION 1.** The Town is hereby authorized to undertake a capital improvements project within the District generally consisting of the installation of approximately 29,975 linear feet of water main along various roads in the Town including, but not limited to, Westwood Road, Schlemmer Road, Stutzman Road, Pavement Road, Pleasantview Drive, Townline Road and Genesee Street, along with the installation of new fire hydrants and the transfer of existing services to the new waterline, as well as other such improvements as more fully identified in (or contemplated by) such revised map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”). The estimated maximum cost of said purpose is \$7,000,000.

**SECTION 2.** The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$7,000,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds. Unless paid from other sources or charges, the cost of such improvement is to be paid by the issuance of serial bonds, and by the assessment, levy and collection of assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

**SECTION 3.** It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

**SECTION 4.** Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

**SECTION 5.** It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

**SECTION 6.** The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there shall be the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

**SECTION 7.** Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00

relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

**SECTION 8.** The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after May 16, 2016 or within 60 days prior to the earlier of (a) May 16, 2016 or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's original declaration of its "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

**SECTION 9.** The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

**SECTION 10.** The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

**SECTION 11.** The Town has determined that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

**SECTION 12.** In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

**SECTION 13.** The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

**SECTION 14.** The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said Town and designated as the official newspaper of said Town for such publication.

**SECTION 15.**Nothing in this amendment shall affect the validity of the original May 16, 2016 bond resolution or any action taken thereunder, and any said actions are hereby ratified.

**SECTION 16.** This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

The foregoing resolution was thereupon declared adopted.

**NOTICE OF BOND RESOLUTION  
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN that an amending and restating bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Lancaster, County of Erie, on November 19, 2018 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

(1) (a) such obligations were authorized for an object or purpose for which the Town of Lancaster is not authorized to expend money or

(b) the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of publication of this notice; or

(2) such obligations were authorized in violation of the provisions of the Constitution of New York.

**SUMMARY OF BOND RESOLUTION**

The following is a summary of an amending and restating bond resolution adopted by the Town Board of the Town of Lancaster on November 19, 2018 that amends a prior bond resolution, dated May 16, 2016. The proceeds from the sale of the obligations authorized in said bond resolution (as amended and restated) shall be used for the purpose of undertaking a capital improvements project within the Town of Lancaster Consolidated Water District, generally consisting of the installation of approximately 29,975 linear feet of water main along various roads in the Town including, but not limited to, Westwood Road, Schlemmer Road, Stutzman Road, Pavement Road, Pleasantview Drive, Townline Road and Genesee Street, along with the installation of new fire hydrants and the transfer of existing services to the new waterline, as well as other such improvements as more fully identified in (or contemplated by) such revised map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"). The amending and restating bond resolution authorizes: a) an expansion to the scope of the project to include additional improvements, (b) an increase to the estimated maximum cost of the project from \$4,500,000 to \$7,000,000 and (c) an increase to the amount of serial bonds authorized to be issued from \$4,500,000 to \$7,000,000 and to make other modifications to the Original Bond Resolution as may be consistent with law. Such amending and restating bond resolution modifies the scope of the project to include additional improvements. The period of probable usefulness for such purpose is 40 years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 21 Central Avenue, Lancaster, New York.

15. Coleman/\_\_\_\_\_Endorse Lancaster Airport, Inc. Projects For Eligibility For  
State Funding Re: Rehabilitate Airfield Pavements

This resolution failed due to lack of second.

16. Coleman/\_\_\_\_\_ Endorse Lancaster Airport, Inc. Projects For Eligibility For State  
Funding Re: Design & Construction Replacement Runway 8-26

This resolution failed due to lack of second.

17. Coleman/\_\_\_\_\_Endorse Lancaster Airport, Inc. Projects For Eligibility For State Funding Re: Design & Construction Removal Of Surface Tree Obstructions

This resolution failed due to lack of second.



18. Coleman/\_\_\_\_\_ Endorse Lancaster Airport, Inc. Projects For Eligibility For State Funding Re: Engineering, Appraisal & Negotiation Services For Land Acquisition & Acquire Land In Fee Simple Title

This resolution failed due to lack of second.

19. Coleman/\_\_\_\_\_Endorse Lancaster Airport, Inc. Projects For Eligibility For State  
Funding Re: Snow Removal Equipment

This resolution failed due to lack of second.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER DICKMAN, TO WIT:

**WHEREAS**, by resolution adopted on March 19, 2018 the Town Board of the Town of Lancaster (“the Town”) authorized the Town Supervisor to execute a Memorandum of Understanding between the Town and Erie County, NY (“the County”) to accept transfer of ownership, operation and maintenance of Penora Street between William Street and the Village of Depew line (approximately 1.06 centerline miles) within the Town of Lancaster, and

**WHEREAS**, Section 115(c) of the New York State Highway Law requires a thirty (30) day notice be given prior to transfer of ownership taking place, and

**WHEREAS**, due to the impending winter season, the Erie County Department of Law is requesting that the Town waive the thirty day notice requirement and take ownership of Penora Street effective October 30, 2018, and

**WHEREAS**, all the conditions listed in the Memorandum of Understanding have been met the Town can find no reason not to grant the County’s request.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the October 30, 2018 letter from the Erie County Department of Law thereby waiving the thirty (30) day notice requirement as stated in §115(c) of the New York State Highway Law and will allow the Town to take ownership of Penora Street between William Street and the Village of Depew line (approximately 1.06 centerline miles) effective October 30, 2018.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER GACZEWSKI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**WHEREAS**, Michelle Barbaro, Park Crew Chief of the Town of Lancaster’s Parks Recreation & Forestry Department, has requested authorization to purchase one (1) new FFC Paladin V-Blade Snow Plow (Model # 12008) for use by the Parks Department, and

**WHEREAS**, the Park Crew Chief, obtained two (2) quotes for the purchase of the snow plow in accordance with the Town of Lancaster’s Procurement Policy, and

**WHEREAS**, by letter dated November 9, 2018, Michelle Barbaro has recommended that the Town of Lancaster purchase one (1) new FFC Paladin V-Blade Snow Plow (Model # 12008) from Milton Cat, in the amount of \$6,053.00 per their sales order dated November 2, 2018, and

**WHEREAS**, funding for the purchase of the new FFC Paladin V-Blade Snow Plow (Model # 12008) is available from the Parks’ 2018 Equipment Budget, Line Items 01-7110-0225 & 0220.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the purchase of one (1) new FFC Paladin V-Blade Snow Plow (Model # 12008) from Milton Cat, 4610 E. Saile Drive, Batavia, New York 14020, in accordance with their sales order dated November 2, 2018 for an amount not to exceed \$6,053.00 which will be paid for with funds from the Parks’ 2018 Equipment Budget, Line Items 01-7110-0225 & 0220.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER GACZEWSKI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER DICKMAN, TO WIT:

**WHEREAS,** the Redskins Junior Football and Cheerleading of Lancaster Organization, has petitioned the Town Board of the Town of Lancaster to consider their proposed construction of a new 3,200 S.F. building to contain sports equipment storage, public restroom, meeting room and indoor practice spaces and construction of new practice field(s) with outdoor lighting within the Town’s Walden Pond Park, and

**WHEREAS,** the Redskins Junior Football and Cheerleading of Lancaster Organization, in collaboration with La Bella Associates, has developed the project proposal and completed the National Park Service’s Environmental Screening Form, seeking approval from the Federal Government to make alterations and additions to Walden Pond Park, and

**WHEREAS,** a public hearing was held on November 5, 2018, to give all interested members of the public the opportunity to be heard, and

**WHEREAS,** the municipality involved is required to give the applicant authorization for its submission of the Environmental Screening form to the National Park Service.

**NOW, THEREFORE**

**BE IT RESOLVED,** that the Town Board of the Town of Lancaster hereby grants permission to the Redskins Junior Football and Cheerleading of Lancaster Organization to submit the National Park Service’s Environmental Screening Form as provided to seek approval for their proposed alterations to the Town of Lancaster’s Walden Pond Park, and

**BE IT FURTHER,**

**RESOLVED,** that the Supervisor is hereby authorized to proceed with the implementation of all steps reasonably necessary and appropriate to facilitate the submission of this application.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**WHEREAS**, the Town Board is considering granting of Bell Atlantic Mobile Systems, Inc., d/b/a Verizon Wireless, permission to co-locate on an existing telecommunications tower known as William-Bowen BUF-653, located on privately owned property at 5393 William Street (SBL No. 116.19-1-1), in the Town of Lancaster, Erie County, New York, and

**WHEREAS**, the Town of Lancaster Planning Board has reviewed the environmental impact of this project pursuant to SEQR regulations at their meeting on November 7, 2018 and recommended that a Negative Declaration be issued, and

**WHEREAS**, the Town Board has duly considered the plans for the project, using the Long Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Planning Board; and

**WHEREAS**, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

**WHEREAS**, the proposed action has been labeled a “Type I” action under SEQRA.

**NOW, THEREFORE,**  
**BE IT RESOLVED** by the Town Board of the Town of Lancaster that:

1. This project, described as a co-location at an existing Upstate Tower wireless telecommunications facility on 0.008 acre physically disturbed area, will not result in any large and important impacts and, therefore, it is an action will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA for the reasons stated herein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Town of Lancaster Town Board**

**Dated: November 19, 2018**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed co-location action of Bell Atlantic Mobile Systems, Inc., d/b/a Verizon Wireless on an existing cell Tower on a +/-3.17 acre parcel. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Co-Location Sprint DO Macro Upgrade – Buffalo Crushed Stone

**Location of Action:** 5393 William Street (SBL No. 116.19-1-1), Lancaster, New York 14086, Erie County.

**SEQR Status:** Type I Action.

**Description of Action:** Proposed Bell Atlantic Mobile Systems of Allentown, Inc., co-location at an existing Upstate Tower wireless telecommunications facility. Site improvements include the installation of an antenna array at 150’ AGL on the existing 160’ self-supporting tower, proposed outdoor equipment cabinets on a 4’x7’ concrete slab, a 10’ long H-Frame, a standby generator on a 4’x7’ concrete pad, and associated improvements within the existing 50’x50’ fenced wireless telecommunications compound.

**Reasons Supporting this Determination:** Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

- 1. Impact on land - No impact.**
- 2. Impact on Geological Features – No impact.**
- 3. Impacts on Surface Water – No impact.**
- 4. Impact on Groundwater – No impact.**
- 5. Impact on Flooding – No impact.**
- 6. Impact on Air – No impact.**

- 7. Impact on Plants and Animals – No impact.**
- 8. Impact on Agricultural Resources – No impact.**
- 9. Impact on Aesthetic Resources – No impact.**
- 10. Impact on Historic and Archeological Resources – No impact.**
- 11. Impact on Open Space and Recreation – No impact.**
- 12. Impact on Critical Environmental Areas – N/A**
  - The Town of Lancaster has not established a Critical Environmental Area (CEA).
- 13. Impact on Transportation – No impact.**
- 14. Impact on Energy – No impact.**
- 15. Impact on Noise, Odor and Light – No –impact.**
- 16. Impact on Human Health – No impact.**
- 17. Consistency with Community Plans – No Impact.**
- 18. Consistency with Community Character – No impact.**

**For Further Information:**

Contact Person:	Kevin E. Loftus, Town Attorney
Address:	Town of Lancaster 21 Central Avenue Lancaster, New York 14086
Telephone Number:	(716) 684-3342



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, TO WIT:

**WHEREAS**, Elmer W. Davis, Inc., 1217 Clifford Avenue, Rochester, New York 14621, the contractor for the rehabilitation of the roof systems at the Parks and Recreation Department Building, Office of Emergency Management and the Keysa Town Park Pool Utility Room Project has submitted Change Order No. 1 in the amount of \$4,008.00 to the Town Board for their approval, based on the description of work previously provided to the Town Board;

**NOW, THEREFORE,**  
**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 to Elmer W. Davis, Inc., with respect to the outlined descriptions provided:

**DESCRIPTION OF CHANGE ORDER NO. 1:**

Additional compensation for the installation of tapered insulation at the Office of Emergency Management and Parks and Recreation Departments’ roof systems to provide proper drainage.

**CHANGE ORDER NO. 1:**

The original Contract Sum was .....	\$	200,300.00
The Contract Sum will be increased by this Change Order in the amount of....	\$	4,008.00
The new Contract Sum increased including this Change Order will be	\$	204,308.00

**BE IT FURTHER,**  
**RESOLVED**, that the Supervisor be and is hereby authorized to execute this Change Order on behalf of the Town of Lancaster.

**BE IT FURTHER,**  
**RESOLVED**, that the 2018 adopted budget for the Town of Lancaster be and hereby is amended to increase appropriations in the Buildings budget to fund the above roofing projects as follows:

GENERAL FUND – TOWNWIDE	Increase
A599 Appropriated Fund Balance	\$ 4,008
A960 Appropriations	\$ 4,008
A1620.411 Buildings – Misc. Contractual Services	\$ 4,008

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**WHEREAS**, the Town Board has duly advertised for bids for the purchase and distribution of Wheeled Refuse and Recycling Carts, for use by the residents within the Town’s Garbage and Refuse District, and

**WHEREAS**, three (3) bids were received, opened and reviewed on October 25, 2018, and

**WHEREAS**, based on the review of the information received and in conformance with General Municipal Law §103 of the State of New York, the Solid Waste & Recycling Committee recommends that the contract for the purchase and distribution of Wheeled Refuse and Recycling Cart, and applicable options, be awarded to the Rehrig Pacific Company.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster, upon the recommendation of the Solid Waste & Recycling Committee, hereby awards the contract for the purchase and distribution of Wheeled Refuse and Recycling Carts, for use by the residents within the Town’s Garbage and Refuse District, and applicable options, to Rehrig Pacific Company, 4010 East 26<sup>th</sup> Street, Los Angeles, CA 90058, being the lowest responsible bidder in conformance with the specifications on file, for a total amount of \$1,451,462.88, as follows:

Product Description	Product Manufacturer & Model Number	Quantity	Unit Price	Total
95 Gallon Roll Out Cart	MFG: Rehrig Pacific Company Model: ROC-95EG	27,740	\$43.71	\$1,212,515.40
65 Gallon Roll Out Cart	MFG: Rehrig Pacific Company Model: ROC-65NB	2,068	\$37.71	77,984.28
OPTIONS:				
	RFID Tag	29,808	\$0.50	14,904.00
	Assembly & Distribution	29,808	\$4.00	119,232.00
	In-Mold Label	14,904	\$1.80	26,827.20
Total				\$1,451,462.88

and,

**BE IT FURTHER,**

**RESOLVED**, that the award of the contract herein is contingent on the execution of a contract document acceptable in form and content to the Town’s legal counsel.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town of Lancaster is required under U.S. Department of Transportation rules as contained in 49 CFR, Parts 40, 382, 391, 392 and 395 to have certain employees enrolled in a drug/alcohol testing program, and the Town also wishes to implement a drug testing program for certain other employees not subject to mandatory testing under federal law; and

**WHEREAS**, the Town has previously contracted with On-Site Employee Testing to conduct testing of Town employees in accordance with federal requirements; and

**WHEREAS**, after review by the Town Attorney, the Town Board has decided to renew the contract with On-Site Employee Testing to cover the term commencing December 1, 2018 and terminating on November 30, 2019;

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the contract with On-Site Employee Testing, as presented, in order to renew the Town’s employee drug and alcohol testing program at costs identified in the agreement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**WHEREAS**, Diane Terranova, Lancaster Town Clerk, is requesting that the Tax Office Collection System be replaced as the current Tax system inadequately serves the needs of that Department and Town Residents due to its outdated design, and

**WHEREAS**, Diane Terranova, obtained a proposal from Business Automation Services, Inc., to provide professional services for the design and installation of a new Tax Collection System as outlined in their Town of Lancaster Tax Collection System Proposal dated August 2018, which included a payment plan dated November 15, 2018 in accordance with the Town of Lancaster’s Procurement Policy, and

**WHEREAS**, the above-referenced proposal’s terms and conditions, which included a letter of agreement, have been duly reviewed and approved by the Town Attorney, and

**WHEREAS**, the Town Board deems it in the public interest to move forward with the engagement of Business Automation Services, Inc., for professional services for the design and installation of a new Tax Collection System for use by the Town of Lancaster’s Tax Office.

**NOW, THEREFORE,**  
**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute the letter of agreement between the Town of Lancaster and Business Automation Services, Inc., 661 Plank Road, Clifton Park, New York, 12065 for professional services for the design and installation of a new Tax Collection System for use by the Town of Lancaster’s Tax Office in accordance with their proposal (Town of Lancaster Tax Collection System Proposal; August 2018) and payment plan dated November 15, 2018 which will be paid for with funds from the Town Clerk’s 2019 and 2020 Contractual Services, Professional Services Budgets Line Item 1410-0410.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISE COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**WHEREAS**, on October 15, 2018, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Article VII (A), §41.8, entitled "Communication Towers, Procedure" of Town Code of the Town of Lancaster, upon the application of Bell Atlantic Mobile Systems, Inc., d/b/a Verizon Wireless for a Special Use Permit for the Co-Location of an antenna array 150’ AGL, identified as William Street, Project No. 20141095866 Location Code 304454, to be placed on an existing tower (William-Bowen BUF-653), located on private property at 5393 William Street (SBL No. 116.19-1-1), in the Town of Lancaster, New York, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard, and

**WHEREAS**, the Town, acting as lead agency completed an environmental review for the project and in conformance with SEQR (State Environmental Quality Review) regulations on November 19, 2018, a Negative Declaration was issued.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that pursuant to Chapter 50-Zoning, Article VII (A), of the Town Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to Bell Atlantic Mobile Systems, Inc., d/b/a Verizon Wireless (William Street, Project No. 20141095866 Location Code 304454) for a Special Use Permit for the Co-Location of an antenna array 150’ AGL, located on private property at 5393 William Street (SBL No. 116.19-1-1), Lancaster, New York, upon the terms and conditions as set forth in the Special Use Permits Zoning Ordinance with the following condition:

- A copy of the FCC License must be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, TO WIT:

**WHEREAS**, the Town of Lancaster has been awarded a State and Municipal Facilities Program (“SAM”) grant from the State of New York for the Restoration of the Lancaster Historical Society Building under project ID #8217 in the amount of \$100,000, and

**WHEREAS**, the Town awarded a contract in the amount of \$106,046, including change orders, to Weaver Metal and Roofing, Co. Inc. to repair the roof of the Lancaster Historical Society Building at 40 Clark St. Lancaster, NY, and

**WHEREAS**, the Town Board wishes to update the 2018 Town Budget to provide the necessary appropriation for the roof repair contract and the related NYS “SAM” grant revenue

**NOW, THEREFORE, BE IT**

**RESOLVED** that the 2018 adopted budget for the Town of Lancaster be and hereby is amended as follows:

**General Fund - Townwide:**

Increase A510 Estimated Revenues	\$100,000
Increase A599 Appropriated Fund Balance	\$ 6,046
Increase A960 Budget Appropriations	\$106,046
Increase A3089 NYS Aid, Other State Aid	\$100,000
Increase A1620.260 Buildings, Other Capital Outlay	\$106,046

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018

**SUSPENDED RESOLUTION:**

Council Member Gaczewski requested a suspension of the necessary rules for immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY SUPERVISOR COLEMAN  
SECONDED BY COUNCIL MEMBER WALTER AND CARRIED, a suspension was granted.

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER GACZEWSKI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**WHEREAS**, the developer has requested the Town Board of the Town of Lancaster accept completed Public Improvements within Summerfield Farms Subdivision Phase VII within the Town of Lancaster, and

**WHEREAS**, the Town Engineer by letter to the Town Clerk dated October 29, 2018 has inspected the improvements and has recommended the approval thereof, and

**WHEREAS**, the Town Attorney, by letter to the Town Clerk dated November 8, 2018, has reported his favorable review for the acceptance of these public improvements.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that completed Public Improvements No. 787 – Pavement & Curbs, No. 788 – Detention Basin & Storm Sewers, and No. 789 – Waterline within Summerfield Farms Subdivision Phase VII be and are hereby approved and accepted by the Town Board of the Town of Lancaster, and

**BE IT FURTHER**

**RESOLVED**, that the Developer is directed to attend to filing the deed causing the dedication of the roads to the Town of Lancaster.

**BE IT FURTHER**

**RESOLVED**, that the Town of Lancaster, under the Lease Management Agreement with the Erie County Water Authority, shall commence payment for the additional seven (7) fire hydrants authorized for this subdivision with the next billing cycle, and

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 19, 2018



## **COMMUNICATIONS & REPORTS**

- 707. Town Attorney to Town Board and Planning Board –**  
SEQR response from Erie County Dept. of Public Works regarding May's Tree Service Addition, 73 Cemetery Road. Proj. #1896.  
Disposition = Planning Committee
- 708. Town Clerk to Town Board –**  
Town Clerk Monthly Report for October 2018. Disposition = Received & Filed
- 709. Jennifer Tulumello to Supervisor –**  
Update on meetings with neighbors regarding proposed Stutzman subdivision.  
Disposition = Received & Filed
- 710. Code Enforcement Officer to Drainage & Storm Sewer Committee –**  
MS4 Report for September 2018. Disposition = Received & Filed
- 711. Audrey Hamernik, Depew Village Trustee to Town Clerk –**  
Thank you for help and participation in the competitive six school food drive.  
Disposition = Received & Filed
- 712. Town Clerk to Code Enforcement Officer –**  
Transmittal of request for renewal of Special Use Permit for Northeast Diversification, Inc., 2 Cadby Park. Disposition = Planning Committee
- 713. Town Clerk to Code Enforcement Officer –**  
Transmittal of request for renewal of Special Use Permit for Greg's Tree Service, 1230 Townline Road. Disposition = Planning Committee
- 714. Town Clerk to Code Enforcement Officer –**  
Transmittal of renewal of Application for a 2019 License to Conduct a Salvage Yard for Ed Henning, Inc., 911 Ransom Road. Disposition = Received & Filed
- 715. Town Clerk to Town Engineer and Building Inspector –**  
Transmittal of Application for Dumping Permit for PM Peppermint, Inc., 31 Peppermint Road. Disposition = Received & Filed
- 716. Code Enforcement Officer to Town Board –**  
Recommend issuance of Dumping Permit for Michael Passucci, 4083 Walden Ave.; conditions noted. Disposition = Resolution 11/19/18
- 717. Park Crew Chief to Town Board –**  
Request for resolution to purchase one FFC Paladin V-Blade Snow Plow, Model 12008 from Milton CAT, 4610 E. Saile Dr., Batavia, NY.  
Disposition = Resolution 11/19/18
- 718. Highway Superintendent to Town Board –**  
Request for resolution appointing two individuals to the position of Maintenance Worker in the Town Highway Department effective November 5, 2018, and request for Town to apply to Erie County to add an additional slot for Maintenance Worker position. Disposition = Resolution 11/19/18
- 719. Town Clerk to Code Enforcement Officer –**  
Request for renewal of Special Use Permit for PM Peppermint Inc., 31 Peppermint Road. Disposition = Planning Committee
- 720. Town Attorney to Town Board –**  
Recommend acceptance of Public Improvement Permit #791 for Streetlights at Windsor Ridge, Worthington Lane. Disposition = Resolution 11/19/18
- 721. Town Engineer to Town Board –**  
Request for CATCO Change Order 7: Wintertime work for waterline replacement, Erie St. Disposition = Future Consideration

722. Planning Board Chairman to Town Board, Planning Board, Town Engineer, Town Attorney, Highway Superintendent and Building Inspector –  
Draft copy of minutes from November 7, 2018 Planning Board Meeting.  
Disposition = Received & Filed
723. Planning Board to Town Board –  
Memo recommending approval of Amended Preliminary Plat Plan for Blackstone Court, vacant land between 609 & 621 Harris Hill Rd., Proj. #1992.  
Disposition = Planning Committee
724. Planning Board to Town Board –  
Memo recommending approval of Site Plan for Parker Hannifin Corporation, 4087 Walden Avenue, Proj. # 3444. Disposition = Planning Committee
725. Planning Board to Town Board –  
Memo recommending approval of negative declaration for Site Plan-SEQR Review for Verizon Wireless co-locate, 5393 William St.  
Disposition = Resolution 11/19/18
726. Highway Superintendent to Town Board –  
Recommend Takeover of Penora Street by the Town.  
Disposition = Resolution 11/19/18
727. Town Attorney to NYSDEC, NYSDOT, US Army Corps of Engineers, Erie County Water Authority, Erie County Health Dept., Div. of Sewerage Management and Erie County DEP –  
Request for lead agency designation regarding Referral for Review, Parker Hannifin 2,500 sq. ft. 3-sided storage shelter, 4087 Walden Ave.  
Disposition = Received & Filed
728. Town Attorney to NYSDEC, US Army Corps of Engineers, Erie County Water Authority, Erie County Health Dept., Div. of Sewerage Management and Erie County DEP and Erie County DPW –  
Request for lead agency designation regarding Referral for Review Amended Preliminary Plat – Blackstone Court (private SD), installation of drainage pipe, Proj. #1992. Disposition = Received & Filed
729. Park Crew Chief to Town Board –  
Request for resolution for a change order to the resolution awarded to Elmer W. Davis, Inc., 1217 Clifford Ave., Rochester, NY dated October 15, 2018, for the rehabilitation of the roof systems at Parks & Recreation, Office of Emergency Management and Keysa Pool Utility Room Roofs in the amount of \$4,008.  
Disposition = Resolution 11/19/18
730. Town Attorney to Town Clerk –  
Transmittal of Maintenance Bond for Street Lights Public Improvement Permit for Windsor Ridge South Subdivision and request for resolution accepting P.I.P. No. 791 (Street Lights). Disposition = Resolution 11/19/18
731. Town Clerk to Code Enforcement Officer —  
Transmittal of renewal Application for a 2019 License to Conduct a Salvage Yard, Advantage Trucks.com, LLC – 933 Ransom Road.  
Disposition = Received & Filed
732. Police Chief to Town Clerk –  
Articles and communications. Disposition = Received & Filed
733. Town Attorney to NYSDEC, NYSDOT, Erie County DEP, Erie County Health Dept., Erie County Water Authority, US Army Corps of Engineers and Division of Sewerage Management --  
Request for lead agency designation regarding Multifamily Development, 5153 Transit Road, Proj. #1810. Disposition = Received & Filed

**734. Town Assessor to Town Board and Town Attorney –  
Information regarding NYS Comptroller’s Exemption Audit.  
Disposition = Received & Filed**

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY  
COUNCIL MEMBER DICKMAN AND CARRIED,** the meeting was adjourned in  
memory of James W. Greco at 8:34 P.M.

Signed\_\_\_\_\_

Diane M. Terranova, Town Clerk